

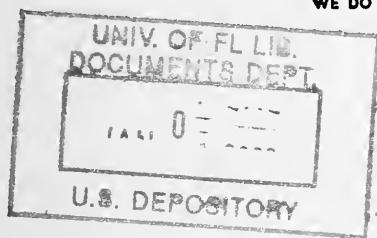
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

RETAIL JEWELRY TRADE

AS APPROVED ON JULY 20, 1934



UNITED STATES
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Approved Code No. 142—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
RETAIL JEWELRY TRADE**

As Approved on July 20, 1934

ORDER

**APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE
RETAIL JEWELRY TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Retail Jewelry Trade, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
July 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report of the Hearing on certain amendments to the Code of Fair Competition for the Retail Jewelry Trade, conducted in Room 128 of the Willard Hotel, Washington, D.C., on May 5, 1934. The amendments which are attached were presented by the National Retail Jewelry Trade Council, which is the national retail jewelry code authority, and as such the duly qualified and authorized representative of the Trade.

The first of the annexed amendments enlarges upon the definition of "professional person" as originally set forth in the Code, in order to avoid any misunderstanding as to the meaning of that term in this Code. In the several months during which this Code has been effective, the question has frequently arisen as to the scope of the term "professional person", particularly as applied to skilled craftsmen such as watchmakers, watch repairers, engravers, etc., and it was thus felt to be advisable to set forth this more detailed definition of the term.

The second of the amendments annexed hereto permits employers to allow employees as much as one and one-half hours for lunch in communities where a lunch period longer than one hour has customarily been allowed, provided the approval of the appropriate Local Retail Jewelry Trade Committee, or if there be no such local committee, the National Retail Jewelry Trade Council, is first secured. In communities where such a custom has prevailed, it is sometimes desirable, both from the point of view of the employees and the employers, to establish the longer lunch period permitted under this proposed amendment, in order that employees may go to their homes for lunch, etc.

The third amendment provides that no retail jeweler shall advertise or offer to repair, clean, regulate or adjust watches or clocks or any part or parts thereof, at a minimum, maximum or uniform price. In the several months of operation of this Code, it has been found that a number of jewelers, comprising only a small part of the trade, have engaged in an unfair trade practice which has been harmful to consumers by misleading them, and to other retail jewelers by gaining the business of their customers through other than fair competitive methods. This practice has consisted of advertising to repair watches at a uniform price, which price was often set at a very low amount. Different repairs to watches cost varying amounts, depending on the necessary labor involved and materials which must be used. However, consumers through this advertising have been led to believe that at such shops they can have any repairs made at a low price, regardless of the serious nature of the defect to be corrected. Retail jewelers who have not indulged in this method of

advertising have found it difficult to compete with jewelers who so advertise. Therefore, inasmuch as such advertising misleads the public and is not a fair competitive practice, it is felt that this amendment is a worthy addition.

The fourth amendment modifies this Code by eliminating therefrom Section 3 of Article VIII, relating to "prison-made goods." The nature of the merchandise handled by the Retail Jewelry Trade is such, due to its high intrinsic value, that it is not the subject of manufacture by inmates of penal institutions. It is felt, therefore, that this provision is an unnecessary one in this Code and it has accordingly been eliminated.

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the National Retail Jewelry Trade Council to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons the amendments have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 20, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE

Subsection (b) of Article I, Section 6 of the Code of Fair Competition for the Retail Jewelry Trade shall be amended to read as follows: "The term 'professional person' as used herein shall mean lawyers, doctors, nurses, research technicians, advertising specialists and other persons engaged in occupations requiring a special discipline and special attainment, but shall not be applied to skilled craftsmen in the retail jewelry trade, such as watchmakers, watch repairers and engravers."

Article IV, Section 6, shall be amended by adding thereto the following provisions: "However, in communities where there has been an established custom to allow employees an interval of longer than one hour for the midday meal such custom may be continued on the same basis, provided that in no case shall the interval be longer than one and one-half hours; and provided further that the approval of the Local Retail Jewelry Trade Committee within the local area is first secured, or in the event that no such Local Retail Jewelry Trade Committee has been authorized within the local area, that the approval of the National Retail Jewelry Trade Council is first secured."

Article VIII, Section 1, Subsection (o) shall be amended to read as follows: "No retail jeweler shall advertise to repair, clean, regulate or adjust watches or clocks or any part or parts thereof at a minimum, maximum or uniform price, irrespective of the cost of such repairs and/or services."

Article VIII shall be amended by eliminating therefrom Section 3, entitled "Prison-made Goods", and indicating as Section 3 the present Section 4, entitled "Company Scrip."

Approved Code No. 142—Amendment No. 1.
Registry No. 1631-11.



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